

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

LeBryson Mays,

Plaintiff,

vs.

Bernadette Jefferson;
Aubrey Rennick,

Defendant.

) C/A No. 0:10-2284-TLW-PJG

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ORDER

This is a civil action filed by a state prisoner. Therefore, in the event that a limitations issue arises, the plaintiff shall have the benefit of the holding in Houston v. Lack, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) DSC, pretrial proceedings in this action have been referred to the undersigned United States Magistrate Judge.

In an order filed in this case on September 15, 2010, the undersigned granted the plaintiff's motion to proceed *in forma pauperis* and directed the plaintiff to answer Special Interrogatories as to whether the plaintiff intended to file one or two cases. The plaintiff has apprised the court that he intended to file two cases and that he is aware that he will incur a separate \$350 filing fee for each case. (See ECF No. 9.)

The Clerk of Court is directed to terminate Aubrey Rennick as a defendant in the above-captioned case and to set up a separate civil action for the plaintiff's claims against Aubrey Rennick. The Clerk of Court is authorized to "separate" the pleadings relating to Bernadette Jefferson in the above-captioned case from the pleadings relating to Aubrey Rennick, and docket the pleadings relating to Aubrey Rennick in the new case.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

September 23, 2010
Columbia, South Carolina